

STATE OF WYOMING
Department of Environmental Quality
Water Quality Division
Wyoming Pollutant Discharge Elimination System (WYPDES)
122 West 25th Street
Cheyenne, Wyoming 82002
(307)777-7082

RECLAMATION PERFORMANCE BONDS FOR PERMITS, LICENSES, AND NOTIFICATIONS

RE: Wyoming Environmental Quality Act - Form and Execution Requirements of Bonds

These statements refer to all **surety bonds**. Surety bonds must be executed by an insurance company holding surety license with the Department of Insurance, State of Wyoming.

1. **For a Bond to be acceptable, it should be submitted on the forms supplied by the department and from the Web Page legal size, single sheet, back to back (duplexed).** Forms are updated periodically; please contact the Water Quality Division to ensure you have current forms.
2. Please ensure that all corporate, surety, and notary seals are affixed and legible. Please use the darkest ink possible for stamped seals. If the notary statement is on a separate sheet of paper, on the attachment please state "Attachment A to (insurance company name) bond no. _____ dated _____," and cite on the bond "see attachment A."
3. **NO ALTERATIONS CAN BE MADE TO THE BOND. CORRECTIONS, CROSS-OVERS, USE OF CORRECTION FLUID, ETC. ARE NOT ACCEPTABLE.**
4. The legal capacity of the principal must be stated in the caption of the bond (i.e., corporation, partnership, sole proprietorship, limited liability co., etc.).
5. If the proposed operator is a corporation, the person who signs on behalf of the corporation must identify his/her title or office. Also, please attach to the bond written evidence of his/her authority to sign the bond. This is necessary even if the signatory is the president of the corporation. Such evidence must include a certified copy of the bylaw or resolution which clearly recites the signatory's authority to sign the bond, or grant a power of attorney to sign the bond. If the signatory is relying on a power of attorney, the executed power of attorney must be attached. **The certificate must be dated on or before the day the signatory signed the bond to provide evidence that the authority was valid on the day the bond was signed.** We will provide a sample certificate upon request.
6. If the principal is a partnership or joint venture, the proper name must appear in the caption of the bond.
 - a. Limited partnerships- must be signed by the managing general partner.
 - i. provide a copy of that part of the partnership agreement which identifies general partner authority.

- ii. provide a letter from a general partner that states either:
 - (a) the limited partnership has executed no statement of authority; or
 - (b) the limited partnership has executed a statement of authority, the statement does not apply to the partner who signed the bond, and a copy of the statement of authority is attached.
 - b. General partners and joint ventures- at least two partners must sign the bond.
7. If the principal is jointly owned, but not a partnership, the firm name must appear in the caption of the bond and all owners must sign.
 8. If the principal is a sole proprietorship, the sole proprietor's name dba the firm name, if any, must appear in the caption of the bond and must be signed by the sole proprietor.
 9. A signature of the attorney-in-fact acting on behalf of the surety company must appear on the bond.
 10. The bond must be accompanied by a properly executed authorization of the power of attorney who signs the bond.
 11. Each party is required to sign his/her own name. Facsimile signatures are not acceptable.
 12. All bonds (original, additional, or replacement) shall describe and pertain to all reservoirs under the original permit and amendments. An attachment may be used for the list of reservoirs covered by the bond. **Each page of the attachment must be signed, sealed, and dated by the attorney-in-fact.**
 13. Separate page acknowledgments are not acceptable unless the state in which the acknowledgment is made requires such an acknowledgment. In such instances, please provide a copy of the state law.